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16 Attorneys for Defendant  
17 APPLE INC.

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21 UNITED STATES DISTRICT COURT  
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23 NORTHERN DISTRICT OF CALIFORNIA  
24  
25 SAN FRANCISCO DIVISION

26  
27 AYLUS NETWORKS, INC., a Delaware  
corporation,  
v.  
APPLE INC., a California corporation  
Defendant.

28 CASE NO. 3:13-cv-04700-EMC  
**STIPULATION AND [PROPOSED]  
ORDER REGARDING EXPEDITED  
BRIEFING AND ARGUMENT FOR  
AYLUS' AND APPLE'S RESPECTIVE  
MOTIONS TO STRIKE (Revised)**

1           WHEREAS, Apple filed its Motion to Strike Expert Declaration of Daniel J. Wigdor in  
2 Support of Aylus's Reply Claim Construction Brief on October 9, 2014.

3           WHEREAS, Aylus will file its Motion to Strike Apple's Non-Disclosed Claim  
4 Construction Evidence on October 13, 2014.

5           WHEREAS, Apple will file a Second Motion to Strike related to exhibits used in Aylus'  
6 Reply Claim Construction Brief.

7           WHEREAS, as regularly noticed, all of the above motions to strike would be heard after  
8 the November 10, 2014 Claim Construction Hearing.

9           WHEREAS, both Apple and Aylus seek the Court's rulings on their respective motions  
10 prior to the Claim Construction Hearing scheduled for November 10, 2014.

11          NOW, THEREFORE, IT IS HEREBY STIPULATED AND RESPECTFULLY  
12 REQUESTED by the parties that the Court issue an order adopting the following schedule for  
13 briefing and argument of the parties' respective motions to strike:

- 14         1. Aylus will file its Motion to Strike Apple's Non-Disclosed Claim Construction Evidence  
15           on October 13, 2014.
- 16         2. By 1 P.M. on October 14, 2014, Apple will file its Second Motion to Strike.
- 17         3. By 12 P.M. on October 15, 2014, Aylus will file its opposition, if any, to Apple's Motion to  
18           Strike Expert Declaration of Daniel J. Wigdor in Support of Aylus's Reply Claim  
19           Construction Brief.
- 20         4. By October 16, 2014, Apple will file its opposition, if any, to Aylus' Motion to Strike  
21           Apple's Non-Disclosed Claim Construction Evidence.
- 22         5. By October 16, 2014, Aylus will file its opposition, if any, to Apple's Second Motion to  
23           Strike.
- 24         6. By October 17, 2014, both Apple and Aylus will file reply briefs, if any, for all motions to  
25           strike.

[OR AS AN ALTERNATIVE SCHEDULE:]

1. Aylus will file its Motion to Strike Apple's Non-Disclosed Claim Construction Evidence on October 13, 2014.
  2. By October 14, 2014, Apple will file its Second Motion to Strike.
  3. By October 15, 2014, Aylus will file its opposition, if any, to Apple's Motion to Strike Expert Declaration of Daniel J. Wigdor in Support of Aylus's Reply Claim Construction Brief.
  4. By 12 P.M. on October 17, 2014, Apple will file its opposition, if any, to Aylus' Motion to Strike Apple's Non-Disclosed Claim Construction Evidence.
  5. By 12 P.M. on October 17, 2014, Aylus will file its opposition, if any, to Apple's Second Motion to Strike.
  6. By October 20, 2014, Apple will file its reply brief, if any, for its Motion to Strike Expert Declaration of Daniel J. Wigdor in Support of Aylus's Reply Claim Construction Brief.
  7. By October 21, 2014, Aylus will file its reply brief, if any, for its Motion to Strike Apple's Non-Disclosed Claim Construction Evidence.
  8. By October 21, 2014, Apple will file its reply brief, if any, for its Second Motion to Strike.
  9. On October 23, 2014, the Court will hear all argument related to all motions to strike proposed by the parties in this stipulation.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 DATED: October 13, 2014

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11 Apple Inc.

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## **[PROPOSED] ORDER**

3 Aylus shall file its Motion to Strike Apple's Non-Disclosed Claim Construction Evidence  
4 on October 13, 2014. By 1 P.M. on October 14, 2014, Apple shall file its Second Motion to  
5 Strike. By 12 P.M. on October 15, 2014, Aylus shall file its opposition, if any, to Apple's Motion  
6 to Strike Expert Declaration of Daniel J. Wigdor in Support of Aylus's Reply Claim Construction  
7 Brief. By October 16, 2014, Apple will file its opposition, if any, to Aylus' Motion to Strike  
8 Apple's Non-Disclosed Claim Construction Evidence. By October 16, 2014, Aylus will file its  
9 opposition, if any, to Apple's Second Motion to Strike. By October 17, 2014, both Apple and  
10 Aylus will file reply briefs, if any, for all motions to strike. On October 20, 2014, the Court, at the  
11 Claim Construction Tutorial, will hear all arguments related to all motions to strike proposed by  
12 the parties in this stipulation. Motions 65, 67 and 69 to be heard on  
Wednesday October 22, 2014 at 12:30 p.m.

14 | [OR]

16 Aylus will file its Motion to Strike Apple's Non-Disclosed Claim Construction Evidence  
17 on October 13, 2014. By October 14, 2014, Apple will file its Second Motion to Strike. By  
18 October 15, 2014, Aylus will file its opposition, if any, to Apple's Motion to Strike Expert  
19 Declaration of Daniel J. Wigdor in Support of Aylus's Reply Claim Construction Brief. By 12  
20 P.M. on October 17, 2014, Apple will file its opposition, if any, to Aylus' Motion to Strike Apple's  
21 Non-Disclosed Claim Construction Evidence. By 12 P.M. on October 17, 2014, Aylus will file its  
22 opposition, if any, to Apple's Second Motion to Strike. By October 20, 2014, Apple will file its  
23 reply brief, if any, for its Motion to Strike Expert Declaration of Daniel J. Wigdor in Support of  
24 Aylus's Reply Claim Construction Brief. By October 21, 2014, Aylus will file its reply brief, if  
25 any, for its Motion to Strike Apple's Non-Disclosed Claim Construction Evidence. By October  
26 21, 2014, Apple will file its reply brief, if any, for its Second Motion to Strike. On October 23,

1 2014, the Court will hear all arguments related to all motions to strike proposed by the parties in  
2 this stipulation.

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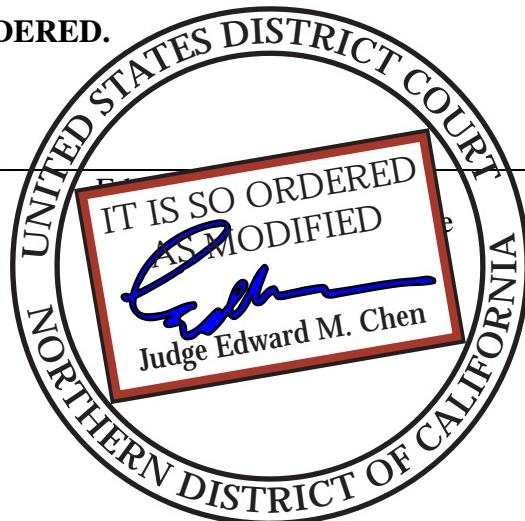
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5 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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7 Dated: October 15, 2014

By:



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